

ESTTA Tracking number: **ESTTA753028**

Filing date: **06/17/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91227852
Party	Defendant Mission Escape Rooms LLC
Correspondence Address	DOMINIC J. SOUZA SOUZA LLC 2543 HOUSLEY ROAD ANNAPOLIS, MD 21401 dsouza@souzalaw.com
Submission	Answer
Filer's Name	Dominic J. Souza
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Signature	/Dominic J. Souza/
Date	06/17/2016
Attachments	Mission Escape Rooms Answer.pdf(150176 bytes) Mission Escape Answer.pdf(146071 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

OAKWON DEMOGRAPHICS LLC
dba MISSION ESCAPE GAMES,

Opposer,

v.

OPPOSITION NO. 91227852

MISSION ESCAPE ROOMS LLC,

Applicant.

Serial Number: 86/815,955
Filing Date: November 11, 2015
Mark: **MISSION ESCAPE ROOMS**
Class No.: 041

MISSION ESCAPE ROOMS LLC'S ANSWER TO NOTICE OF OPPOSITION AND
AFFIRMATIVE DEFENSES

NOW COMES, the Applicant, Mission Escape Rooms LLC by and through its attorneys Dominic J. Souza, Esquire, Souza LLC, and Lawrence E. Laubscher, Jr. and answers Opposer's Notice of Opposition having a mailing date of May 12, 2016 as follows:

1. Applicant, Mission Escape Rooms LLC, is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 1 of Opposer's Notice of Opposition and therefore denies the same.
2. Applicant, Mission Escape Rooms LLC, is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 2 of Opposer's Notice of Opposition and therefore denies the same.
3. Applicant, Mission Escape Rooms LLC, denies the allegations contained in Paragraph 3 of Opposer's Notice of Opposition.
4. Applicant, Mission Escape Rooms LLC, admits the allegations contained in Paragraph 4 of Opposer's Notice of Opposition insofar as Applicant is aware that

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Opposer filed such application; however, Applicant denies that Opposer is entitled to registration and reserves the right to object to Applicant's application in the normal course.

5. Applicant, Mission Escape Rooms LLC, admits the allegations contained in Paragraph 5 of Opposer's Notice of Opposition insofar as Applicant is aware that Opposer filed such application; however, Applicant denies that Opposer is entitled to registration and reserves the right to object to Applicant's application in the normal course.
6. Applicant, Mission Escape Rooms LLC, admits to the averments contained in Paragraph 6 of Opposer's Notice of Opposition.
7. Applicant, Mission Escape Rooms LLC, denies the allegations contained in Paragraph 7 of Opposer's Notice of Opposition.
8. Applicant, Mission Escape Rooms LLC, denies the allegations contained in Paragraph 8 of Opposer's Notice of Opposition.
9. Applicant, Mission Escape Rooms LLC, denies the allegations contained in Paragraph 9 of Opposer's Notice of Opposition.
10. Applicant, Mission Escape Rooms LLC, denies the allegations contained in Paragraph 10 of Opposer's Notice of Opposition.

AFFIRMATIVE DEFENSES

NOW COMES, the Applicant, Mission Escape Rooms LLC by and through its attorneys and hereby serves the following Affirmative Defenses:

1. The Opposer's claims against the Applicant, Mission Escape Rooms LLC are barred given that the Opposer cannot establish priority over Applicant with respect to Opposer's use of the MISSION and MISSION ESCAPE GAMES marks.

2. Opposer does not have common law rights to the marks in question, at least not with respect to any market outside New York City, New York.

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3. Applicant's use of the marks in question is not likely to cause confusion as to Opposer's alleged use of the MISSION and MISSION ESCAPE GAMES marks or is not likely to deceive purchasers as to the source or sponsorship of such goods and services associated with Applicant's use of the marks in question.

4. The Opposer's claims against the Applicant, Mission Escape Rooms LLC, are barred by the Doctrine of Estoppel and Laches.

5. The Opposer's claims against the Applicant, Mission Escape Rooms LLC, are barred by the Doctrine of Acquiescence.

6. The Opposer's claims against the Applicant, Mission Escape Rooms LLC, are barred by the Doctrine of Unclean Hands.

7. The Applicant, Mission Escape Rooms LLC, hereby reserves the right to assert additional Affirmative Defenses pending the completion of discovery.

WHEREFORE, the Applicant, Mission Escape Rooms LLC, prays that:

- (a) the Notice of Opposition be dismissed in its entirety with prejudice; and
- (b) that a Registration be issued to the Applicant for its mark **MISSION ESCAPE ROOMS**, Serial No. 86,815,955.

Dated: _____

6-17-16

Respectfully submitted,



Dominic J. Souza, Esquire
Souza LLC
2543 Housley Road
Annapolis MD 21401
(410) 571-8366



Lawrence E. Laubscher, Jr.
Laubscher, Spendlove & Laubscher PC
1160 Spa Road, Suite 2B
Annapolis, MD 21403
(410) 280-6608
Attorneys for the Applicant

Souza LLC

2543 Housley Rd.

Annapolis, MD 21401

(410) 571-8366

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that on this 17th day of June, 2016, a copy of the foregoing Applicant's Answer was sent via United States, First-Class Mail, postage pre-paid, to:

Michael Sarney, Esquire
Moritt Hock & Hamroff LLP
450 Seventh Avenue
15th Floor
New York NY 10123
Attorneys for Opposer



Dominic J. Souza, Esquire

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD

OAKWON DEMOGRAPHICS LLC
dba MISSION ESCAPE GAMES,

Opposer,

v.

OPPOSITION NO. 91227852

MISSION ESCAPE ROOMS LLC,

Applicant.

Serial Number: 86/815,642
Filing Date: November 10, 2015
Mark: **MISSION ESCAPE**
Class No.: 041

MISSION ESCAPE ROOMS LLC'S ANSWER TO NOTICE OF OPPOSITION AND
AFFIRMATIVE DEFENSES

NOW COMES, the Applicant, Mission Escape Rooms LLC by and through its attorneys Dominic J. Souza, Esquire, Souza LLC, and Lawrence E. Laubscher, Jr., and answers Opposer's Notice of Opposition having a mailing date of May 12, 2016 as follows:

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3. Applicant, Mission Escape Rooms LLC, denies the allegations contained in Paragraph 3 of Opposer's Notice of Opposition.
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5. Applicant, Mission Escape Rooms LLC, admits the allegations contained in Paragraph 5 of Opposer's Notice of Opposition insofar as Applicant is aware that Opposer filed such application; however, Applicant denies that Opposer is entitled to registration and reserves the right to object to Applicant's application in the normal course.
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7. Applicant, Mission Escape Rooms LLC, denies the allegations contained in Paragraph 7 of Opposer's Notice of Opposition.
8. Applicant, Mission Escape Rooms LLC, denies the allegations contained in Paragraph 8 of Opposer's Notice of Opposition.
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10. Applicant, Mission Escape Rooms LLC, denies the allegations contained in Paragraph 10 of Opposer's Notice of Opposition.

AFFIRMATIVE DEFENSES

NOW COMES, the Applicant, Mission Escape Rooms LLC by and through its attorneys and hereby serves the following Affirmative Defenses:

1. The Opposer's claims against the Applicant, Mission Escape Rooms LLC, are barred given that the Opposer cannot establish priority over Applicant with respect to Opposer's use of the MISSION and MISSION ESCAPE GAMES marks.

2. Opposer does not have common law rights to the marks in question, at least not with respect to any market outside New York City, New York.

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3. Applicant's use of the marks in question is not likely to cause confusion as to Opposer's alleged use of the MISSION and MISSION ESCAPE GAMES marks or is not likely to deceive purchasers as to the source or sponsorship of such goods and services associated with Applicant's use of the marks in question.

4. The Opposer's claims against the Applicant, Mission Escape Rooms LLC, are barred by the Doctrine of Estoppel and Laches.

5. The Opposer's claims against the Applicant, Mission Escape Rooms LLC, are barred by the Doctrine of Acquiescence.

6. The Opposer's claims against the Applicant, Mission Escape Rooms LLC, are barred by the Doctrine of Unclean Hands.

7. The Applicant, Mission Escape Rooms LLC, hereby reserves the right to assert additional Affirmative Defenses pending the completion of discovery.

WHEREFORE, the Applicant, Mission Escape Rooms LLC, prays that:

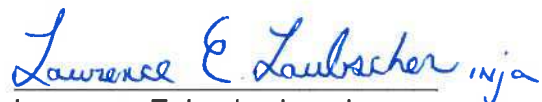
- (a) the Notice of Opposition be dismissed in its entirety with prejudice; and
- (b) a Registration be issued to the Applicant for its mark **MISSION ESCAPE**, Serial No. 86,815,642.

Dated: 6-17-16

Respectfully submitted,



Dominic J. Souza, Esquire
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2543 Housley Road
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(410) 571-8366



Lawrence E. Laubscher, Jr.
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1160 Spa Road, Suite 2B
Annapolis, MD 21403
(410) 280-6608
Attorneys for the Applicant

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 2016, a copy of the foregoing Applicant's Answer was sent via United States, First-Class Mail, postage pre-paid, to:

Michael Sarney, Esquire
Moritt Hock & Hamroff LLP
450 Seventh Avenue
15th Floor
New York NY 10123
Attorneys for Opposer

A handwritten signature in dark ink, appearing to read "Dominic J. Souza", written over a horizontal line.

Dominic J. Souza, Esquire

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